A.F.R.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

W.P. No.4408 of 2006

PETITIONER

Khirod Kumar Das
S/o Shri Krishna Chandra Das
Aged about 35 years
Resident of Devendra Nagar
D-65, Pandari, District Raipur
Chhattisgarh

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary
General Administration
Department, D.K.S. Bhawan
Mantralaya, Raipur Chhattisgarh

2. Chhattisgarh Public Service Commission, Through it's Chairman, District Raipur Chhattisgarh

---

Present: Shri Bhaskar Pyasi, learned counsel for the petitioner.

Shri Prashant Mishra, learned Addl. A.G. with Shri Sanjay S Agrawal, learned counsel for respondent No.1/State.
Shri Prashant Mishra, learned Sr. Advocate with Shri V.R. Tiwari, learned counsel for the respondent No.2.

ORAL ORDER
(Passed on 04th September, 2006)

Should I say, this writ petition is not only premature but also does not disclose the post for which the petitioner has applied. It is stated that the petitioner is a candidate and he appeared in the preliminary examination conducted by the Chhattisgarh Public Service Commission, the 2nd respondent herein in the year 2005. It is alleged that in spite of his excellent performance the petitioner was declared failed in the preliminary test due to wrong application of scaling by the 2nd respondent-Commission. It is complained that due to false scaling, candidates appearing in particular subject are given preference in the selection while

those who opted for selected subject inspite of brilliant performance could not succeed in qualifying the preliminary examination.

(2) The petitioner has not disclosed in the writ petition the post to which he has applied in the year 2005. Be that as it may, there is no necessity for the Court to undertake adjudication of the complaint made by the petitioner at this state. It is not his case that the 2nd respondent-Commission has prepared the select list and on the basis of such list appointments are made by the State Government. It is needless to state that the select list that may be prepared by the 2nd respondent or the appointments that may be made by the recruiting agency if it is vitiated on any permissible ground, it will be open for the petitioner to challenge the validity of the select list as well as the appointments made in pursuance of the such list in an appropriate legal proceedings. There is no need nor expedient for the Court to review the validity of each and every step taken by the 2nd respondent-Commission in the process of selection and appointments and if the Court were to do so, it would only delay the selection and appointments to the advertised posts thereby hampering the smooth administration of the State. In that view of the matter, I decline to entertain the writ petition, leaving open all the contentions made in this writ petition to be agitated by the petitioner at an appropriate stage. No costs.

Sd/-
Chief Justice

Kamde